

**SILVERADO HEIGHTS  
MAJOR SUBDIVISION**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:**

John Lavey

JL

**REVIEWED/**

**APPROVED BY:**

Renee Van Hoven

RV

**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Plat Evaluation:

April 5, 2006

RCPB Public Hearing:

May 17, 2006

Deadline for PB recommendation to BCC:

June 7, 2006

BCC Public Meeting:

June 13, 2006

(Unless PB delays decision)

Deadline for BCC action (60 working days):

June 29, 2006

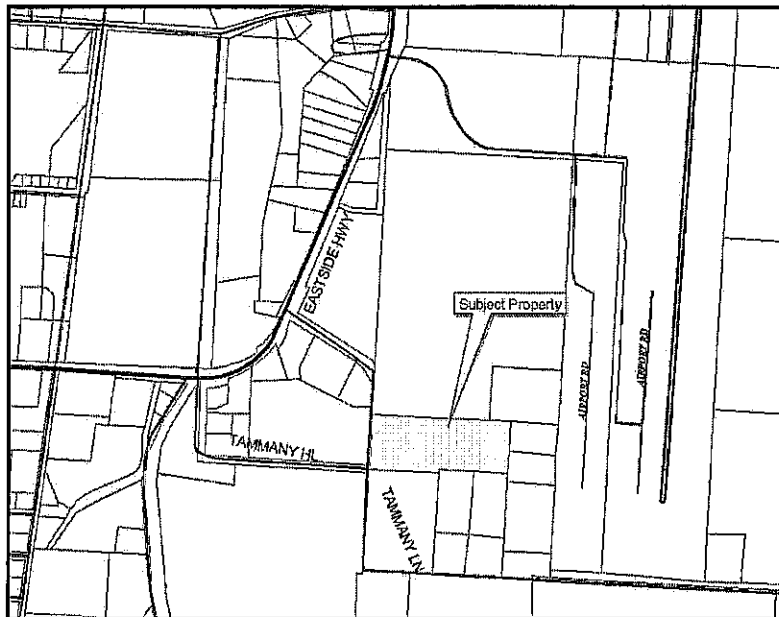
**APPLICANT OWNER:**

Broadhead Development  
2636 Seneca Trail  
Victor, MT 59875

**REPRESENTATIVE:**

Professional Consultants, Inc., 728-1880  
PO Box 1750  
Missoula, MT 59806

**LOCATION OF REQUEST:** The property is located east of Hamilton off Tammany Lane.



**Map 1: Location Map**  
(Data Source: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract 2 of COS #550165-R, located in the SW1/4 of Section 29 T6N,  
R20W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on March 17,  
2006. Agencies were notified of the subdivision and comments  
received by the Planning Department are Exhibits A-1 through A-10  
of the staff report.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the Ravalli Republic on  
March 21, 2006. Notice of the project was posted on the property.  
Property owners adjacent to the subject property were notified of the  
subdivision by certified mail, postmarked on March 17, 2006.  
Following the plat evaluation, Staff determined that road counts on  
Tammany Lane were required to prove that a Traffic Impact Analysis  
was not necessary. The public hearing was postponed from April 19,  
2006 to May 17, 2006. A subsequent legal notice was published in  
the Ravalli Republic on May 2, 2006. Property owners were re-  
notified of the subdivision by certified mail, postmarked April 20,  
2006. One public comment is included as Exhibit B.

**DEVELOPMENT  
PATTERN:**

Subject property	Agricultural
North	Large lot residential and agricultural
South	Canyons Athletic Club and large lot residential
East	Large lot residential and Airport
West	Large lot residential and agricultural

RAVALLI COUNTY PLANNING BOARD

MAY 17, 2006

SILVERADO HEIGHTS  
TEN-LOT MAJOR SUBDIVISION

**RECOMMENDED MOTION**

That the Silverado Heights Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

**RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

***Notification of Road Maintenance.*** Ravalli County, the State of Montana, or any other governmental entity does not maintain the internal subdivision road and therefore does not assume any liability for improper maintenance or the lack thereof. A Road Maintenance Agreement for the internal road was filed with this subdivision and outlines what parties are responsible for road maintenance and under what conditions. (*Effects on Local Services*)

***Notification of Storm Water Drainage Easements.*** Within this subdivision there are storm water drainage easements. No structure or obstruction may be placed within these easements that is not needed for storm water management. (*Effects on Local Services*)

***Notification of Utility Easements.*** Within this subdivision there are utility easements. No structure shall be allowed to encroach into or set upon the utility easements. The utility easements shall remain unobstructed and accessible at all times. (*Effects on Local Services*)

***Notification of Proximity to Public Airport.*** This subdivision is located near the Ravalli County Airport. Standard operation of the airport creates noise levels that some people may find objectionable. In addition, there are inherent hazards associated with aircraft operations to nearby properties. (*Effects on Public Health and Safety & Local Services*)

***Limitation of Access onto a Public Road.*** A "non ingress/egress" restriction exists along the Tammany Lane frontage of this subdivision, excepting the approved approach for the internal subdivision road. All lots within this subdivision must use this approved approach. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

***Living with Wildlife.*** (See letter from Fish, Wildlife and Parks in the application packet for the required provisions) (*Effects on Wildlife & Wildlife Habitat*)

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community waste water treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

**Primary Heat Source.** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

**Lighting for New Construction.** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spot lighting of flag poles shall be permitted. *(Effects on Public Health & Safety)*

**Control of Noxious Weeds.** Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Hamilton Rural Fire District has adopted Fire Protection Standards which require the lot owners to post County-issued addresses at the intersection of the driveways leading to the primary residence and the road providing access to the lot as soon as construction on the residence begins. *(Effects on Local Services & Effects on Public Health and Safety)*

**Access Requirements for Lots within this Subdivision.** The Hamilton Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Hamilton Rural Fire District for further information on the requirements of the Hamilton Rural Fire District. *(Effects on Local Services & Effects on Public Health and Safety)*

**Building Standards.** As a condition of approval recommended by the Hamilton Rural Fire District, the houses within this subdivision are required to be built to IRBC building standards. Further, the Hamilton Rural Fire District requests that the commercial buildings be constructed to meet state building code requirements. For more information, contact the Hamilton Rural Fire District and PO Box 1994, Hamilton, MT 59840. *(Effects on Local Services & Effects on Public Health and Safety)*

**Airport Influence Area.** This subdivision is located within the Airport Influence Area as established by Resolution #1302, adopted by the Board of County Commissioners on

November 27, 2002. Resolution #1366, adopted by the Board of County Commissioners on November 20, 2003, established the Airport Influence Area Regulations. Lots within this subdivision are subject to these Regulations, and any future amendments thereof. Please be advised, that these Regulations state, among other things, that "No material change may be made in the use of the land and no structure or tree may be erected, altered, planted, or otherwise established in the Airport Influence Area, unless a permit for the use has been granted." (*Effects on Public Health and Safety, Local Services, and Consistency with Existing Zoning*)

**Amendment.** The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)
4. The final plat shall show a non-ingress/egress zone along the Tammany Lane frontage of the subdivision, excepting the approach for the internal road, as approved by the Road and Bridge Department. (*Effects on Local Services*)
5. The applicant shall construct Silverado Trail from Tammany Lane to the eastern boundary of Lot 1 to have a 28-foot wide paved travel surface with two-foot shoulders on each side. The Road Maintenance Agreement shall include on-street parking enforcement provisions. (*Effects on Local Services and Public Health & Safety*)
6. The applicant shall submit a letter or receipt from the Hamilton School District stating that they have received (an amount to be determined by the Planning Board) per lot contribution prior to final plat approval. (*Effects on Local Services*)
7. Silverado Trail shall be labeled as a privately-maintained road within a public road and utility easement on the final plat. (*Effects on Local Services*)
8. The developer shall submit a statement of approval of the water supply from the Hamilton Rural Fire District which verifies that a water source provides a year-round water supply that can generate a flow of 500 gallons per minute for 120 minutes or provide evidence from the Fire District with the final plat submittal that a \$500 per lot contribution to the Fire District was made upon subdivision approval. (*Effects on Local Services & Public Health and Safety*)
9. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Effects on Public Health and Safety*)
10. A stop sign shall be installed at the intersection of Silverado Trail and Tammany Lane as approved by the Planning Department, in consultation with the Ravalli County Road and Bridge Department (RCRBD), prior to final plat approval. (*Effects on Local Services and Public Health and Safety*)

11. An Avigation Easement shall be granted by the developer to Ravalli County and recorded with the Clerk and Recorder's Office concurrent with the filing of the final plat, unless written evidence from the Airport Board is provided indicating that an Avigation Easement is not necessary. *(Effects on Local Services)*
12. The following statement shall be included on the final plat: This subdivision lies within the Ravalli County Airport Influence Area and is subject to the Ravalli County Airport Influence Area Regulations. *(Effects on Public Health and Safety)*
13. "No Parking" signs shall be placed along the residential frontage of the internal subdivision road in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition and as reviewed and approved by the Ravalli County Planning Department. *(Effects on Local Services & Public Health and Safety)*

### **INTRODUCTION**

Silverado Heights is a ten-lot major subdivision proposed on 10.4 acres. The property is located approximately 1/4 mile east of the City of Hamilton off Tammany Lane. It is located in the Hamilton School District, Hamilton Rural Fire District, and is within the Ravalli County Airport Influence Area. The average lot size is 1.04 acres. The proposal is for eight single family residential lots and two commercial lots.

*Staff is recommending conditional approval of the subdivision.*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed major subdivision on 10.4 acres will result in 10 lots that have an average size of 1.04 acres. It is located approximately 1/4 mile from the City of Hamilton in an area of mixed residential and agricultural uses.
2. The *SCS Soil Survey for Ravalli County* identifies a soil type that is listed as Prime Farmland Soil on the majority of the property. More than 50% of the property may have Prime Farmland Soil.
3. Properties surrounding the subdivision are mostly large lot residential with some stock grazing and hay production. To mitigate impacts on agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (*Condition 1 and 2*)

##### **Conclusions of Law:**

1. The creation of these lots will diminish the potential agricultural uses on this property and may take a small amount of property with Prime Farmland Soils out of production.
2. The property is located in close proximity to the City of Hamilton in a transitional area between the higher density town lots and agricultural land. This transitional area has a mixture of uses including large lot residential, commercial, and agricultural. Loss of agricultural land in this location may help to protect agricultural land further out from existing towns by providing development similar to the surrounding density.
3. With the mitigating conditions, impacts of this subdivision on surrounding agricultural practices should be minimized.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Finding of Fact:**

There are no water rights or irrigation infrastructure associated with this property.

##### **Conclusion of Law:**

Agricultural water user facilities will not be affected by this proposal.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

1. There are eight proposed single family residential lots and two proposed commercial lots within this subdivision and it is estimated at build-out this subdivision will generate a total of 116 vehicular trips per day, assuming 8 trips per day per single-family dwelling and 18 trips per day per commercial unit.
2. It is unknown if Tammany Lane, a County-maintained road, meets County standards and if not, the applicant will be required to pay the pro-rata share of the cost to improve the portion of Tammany Lane that leads to the subdivision from Eastside Highway.
3. To mitigate impacts on the local road system, the final plat shall show a no ingress/egress zone along the Tammany Lane frontage of the subdivision, excepting the RCRBD approved approach for Silverado Trail. A notification of this limitation of access shall be included in the Notifications Document. (*Conditions 1 and 4*)
4. To mitigate impacts on local services and ensure public access, the easement for Silverado Trail shall be labeled as a public road and utility easement on the final plat. (*Condition 7*)

5. The developer is proposing to construct one internal road, Silverado Trail, to provide service to all the lots within the subdivision. The application packet states that the internal road is proposed to meet County Standards and have an 18-foot wide asphalt paved travel surface with two-foot shoulder widths within a 60-foot wide public utility easement. The road plans have received preliminary approval by the Road Department. (*Exhibit A-8*)
6. Lots 1 and 10 are proposed to be commercial lots. Since the lots are approximately 1.00 acre each, there may not be adequate space for on-site parking once commercial buildings have been constructed. The Road Department's consulting engineer recommended that Silverado Trail be constructed to have a 28-foot wide paved travel surface with 2-foot wide shoulders on each side along the commercial lots to provide for on-street parking. (*Exhibit A-10*) To mitigate impacts on local services, the applicant shall construct the commercial frontage of Silverado Trail to meet these specifications. (*Condition 5*)
7. To mitigate impacts on local services and ensure access by emergency vehicles, "No Parking" signs shall be placed along the residential frontage of the internal road in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition and as reviewed and approved by the Ravalli County Planning Department. (*Condition 13*)
8. A stop sign is proposed to be located on Silverado Trail at its intersection with Tammany Lane. The stop sign shall be installed before final plat approval. (*Condition 10*)
9. A preliminary road maintenance agreement was included in the application packet. The final plat application packet is required to include a road maintenance agreement that includes to the provisions of Section 3-2-18 of the Subdivision Regulations. A notification of the road maintenance agreement shall be included in the Notifications Document filed with the final plat. (*Condition 1*)
10. Submittal of a final grading and drainage plan approved by Montana Department of Environmental Quality (DEQ), a General Discharge Permit for Stormwater Associated with Construction activity from DEQ (if required), an approved approach permit from the Ravalli County Road and Bridge Department for Silverado Trail, an approved road name petition, and certification that the constructed road meets County standards are requirements of final plat.
11. In order to ensure the proper drainage of this subdivision and to mitigate impacts on local services, a notification of storm water drainage easements shall also be filed with the Notifications Document in the final plat. (*Condition 1*)
12. Installation of all infrastructure improvements is required to be completed prior to final plat approval, which includes construction of the roads and stormwater drainage facilities for the interior road, and installation of the stop sign and road name sign.
13. Individual wells and septic systems are proposed to serve the lots. (*See Natural Environment*)
14. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Conditions 2 & 3*)
15. Bitterroot Disposal provides service to this site.
16. The applicants are proposing cash-in-lieu of parkland dedication. Section 6-1-7 of the Ravalli County Subdivision Regulations requires the developer to hire a real estate appraiser legally qualified to appraise undeveloped land to determine the fair market value of land prior to final plat approval. In a letter received November 14, 2005, the Ravalli County Park Board concurs with the applicants proposal for cash-in-lieu of parkland dedication. (*Exhibit A-1 & A-2*)
17. The applicants stated they will be making a contribution to the School District, but did not specify the amount and no comment was received from the Hamilton School District. To mitigate impacts of the subdivision on the School District, the applicant shall contribute an amount (to be determined by the Planning Board in consultation with the applicant) per lot to the Hamilton School District. (*Condition 6*)
18. The Hamilton Rural Fire District has adopted Fire Protection Standards, (application) and in a letter dated February 16, 2006, the Hamilton Rural Fire District states that they prefer the development of a water supply system as opposed to cash payment in lieu. (*Exhibit A-9*)



19. To mitigate impacts on local services, the developer shall submit a statement of approval of the water supply from the Hamilton Rural Fire District which verifies that a water source provides a year-round water supply that can generate a flow of 500 gallons per minute for 120 minutes or provide evidence from the Fire District with the final plat submittal that a \$500 per lot contribution to the Fire District was made upon subdivision approval. *(Condition 8)*
20. The Ravalli County Sheriff's Office provides law enforcement services to this area.
21. Adequate public services are available to the subdivision.
22. The proposed subdivision is within the Ravalli County Airport Influence Area. *(Effects on Public Health and Safety)*
23. Avigation easements are commonly used by airports to provide an easement and right-of-way for unobstructed passage of aircraft in, through and across the airspace above the Grantor's property at a certain elevation. To mitigate impacts to local services, an Avigation Easement, approved by the Ravalli County Airport Board, shall be granted by the developer to Ravalli County, unless written evidence from the Airport Board is provided indicating that an Avigation Easement is not necessary. *(Condition 11)*
24. To mitigate impacts on local services, a notification of the Airport shall be included in the Notifications Document and on the final plat and the covenants shall include a provision regarding Airport Regulations. *(Conditions 1, 2, & 4)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

**CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

Findings of Fact:

1. The 10.4-acre property is currently open space that is covered with grasses.
2. Individual wells and septic systems are proposed for lots within this subdivision. The Environmental Health Department has provided a comment letter dated September 22, 2005, that is included in the application packet, which states adequate information has been submitted to their office for local subdivision review to occur. A Certificate of Subdivision Plat Approval from Montana Department of Environmental Quality is required to be submitted with the final plat.
3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. *(Condition 2)*
4. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. *(Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be minimized with the requirements for final plat approval and imposition of mitigating conditions.

#### **CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

##### **Findings of Fact:**

1. The property is not located within the Montana Fish, Wildlife, and Parks (FWP) identified big game winter range and there are no species of special concern listed in the vicinity of the property.
2. FWP requested that the living with wildlife provisions be included in the covenants to mitigate impacts on wildlife and wildlife habitat. (*Condition 2*)

##### **Conclusion of Law:**

With the condition of approval, the proposed subdivision will likely have a minimal impact on wildlife.

#### **CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

##### **Findings of Fact:**

1. The applicant is proposing that Silverado Trail be constructed to have an 18-foot wide travel surface with 2-foot wide shoulders on each side. If vehicles were parked on-street along the commercial lots, there may not be adequate space for emergency vehicles. To mitigate impacts on public health and safety, the applicant shall widen the travel surface along the commercial lots. (*Condition 5*)
2. This proposed subdivision is located within the Ravalli County Airport Influence Area and Conditions 1, 2, 11, and 12 address the impacts of the proximity of the airport on public health and safety.
3. To mitigate impacts on local services and ensure access by emergency vehicles, "No Parking" signs shall be placed along the residential frontage of the internal road in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, 2003 edition and as reviewed and approved by the Ravalli County Planning Department. (*Condition 13*)
4. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 9*)
5. The Conditions that address the Hamilton Rural Fire District's recommendations will mitigate impacts on public health and safety. (*Conditions 2 and 8*) (*See Local Services - Fire Protection for general comments and staff's recommended conditions*)
6. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (*Condition 2*)
7. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. (*Condition 2*)

##### **Conclusion of Law:**

The mitigating conditions and requirements of final plat approval will address impacts on public health and safety.

#### **COMPLIANCE WITH:**

##### **1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

##### **Finding of Fact:**

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

**3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

**CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

Findings of Fact:

1. This proposed subdivision is located within the Ravalli County Airport Influence Area. With the mitigating conditions, the proposal will be in compliance with Airport Influence Area Regulations. (*Conditions 1, 2, 11, & 12*)
2. There are no existing covenants on the property.

Conclusions of Law:

1. With the mitigating conditions the proposal will be consistent with existing zoning regulations.
2. Existing covenants do not apply to this property.

#### **PROVISION OF EASEMENTS FOR UTILITIES**

##### **Findings of Fact:**

1. The plat indicates utility easements will be located along the proposed internal subdivision road and along the northern boundary of the property (see the preliminary plat). Utility easements are required to be shown on the final plat. A notification of the utility easements shall be included in the Notifications Document. (*Condition 1*)
2. The proposed subdivision will be served by Northwestern Energy and Qwest Telephone. Utility certificates are a requirement of final plat approval.

##### **Conclusion of Law:**

Utility services will be available to this subdivision.

#### **PROVISION OF LEGAL AND PHYSICAL ACCESS**

##### **Finding of Fact:**

1. Physical and legal access for this subdivision is proposed via Tammany Lane, which is a County-maintained road, and Silverado trail, a proposed internal road. (*Local Services*)

##### **Conclusion of Law:**

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.